United Nations E/2016/58

General Assembly

Distr.: General
13 May 2016

Original: English

2016 session
24 July 2015-27 July 2016
Agenda item 19 (f)
Social and human rights questions: human rights

Early warning and economic, social and cultural rights

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, submitted pursuant to General Assembly resolution 48/141, the United Nations High Commissioner for Human Rights considers the links between violations of economic, social and cultural rights and violence, social unrest and conflict, and suggests that an analysis of the enjoyment of the said rights could inform early warning efforts for effective preventive action.

GE.16-07809(E)

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I. Introduction

1. In the modern-day context of intensifying competition over and the depletion of natural resources, water, land and other elements that are crucial for an adequate standard of living, the denial of economic and social rights is increasingly at the heart of violence and social unrest.

2. Violations of economic, social and cultural rights stem from a variety of factors, including unequal power distribution, discrimination and inequality; for example, the unrest in Tunisia in late 2010 and in 2011 that led to the "Arab spring" was triggered by the suicide, in sign of protest, of a street vendor. The underlying causes of the turmoil that followed, however, included long-standing inequality, high unemployment, limited and precarious access to livelihoods and a very limited ability to redress the status quo.[1] More recently, in 2014, in Brazil, on the eve of the World Cup, people protested against their lack of access to economic and social rights, including water.[2] Another example is provided by the recent riots in Ferguson and Baltimore in the United States of America. While in both cases the initial trigger was the killing of young black men by the police or while in police custody, many linked the subsequent riots and unrest to frustration over systemic discrimination and the lack of equal access to jobs, quality education and health care for racial minorities.[3]

3. In the present thematic report, the United Nations High Commissioner for Human Rights seeks to illustrate the links between economic, social and cultural rights and violence, social unrest and conflict. The report highlights the crucial elements of a human rights analysis that should inform early warning and conflict prevention efforts in the United Nations system and beyond. Lastly, it examines the conclusions of expert meetings on economic, social and cultural rights and early warning held by the Office of the High Commissioner (OHCHR) in Geneva and Bangkok in 2015.

II. Links between economic, social and cultural rights violence, social unrest and conflict

4. Economic, social and cultural rights are part of the international human rights legal framework in which all rights are universal, indivisible and interdependent and interrelated.[4] Like civil and political rights, they aim to protect the human dignity of rights-holders by establishing obligations for States. Economic, social and cultural rights reflect the minimum conditions required to ensure freedom from fear and want, and the continuous improvement of these conditions.[5] These rights are enshrined in various international instruments, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Both the Declaration and the Covenant provide for, inter alia, the rights to work, to just and favourable conditions of work, to form and join trade unions, to the protection of the family, maternity and childhood, social

[1] Ryan Rifai, "Timeline: Tunisia's uprising", Al Jazeera, 23 January 2011.
[2] Maria Tadeo, "Brazil hit by widespread protests in Rio de Janeiro and Sao Paulo as authorities send troops to Recife ahead of World Cup", *Independent*, 16 May 2014.
[3] Valerie Strauss, "From Ferguson to Baltimore: The consequences of government-sponsored segregation", 3 May 2015.
[4] Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. III), para. 5.
[5] See OHCHR Fact Sheet No. 33, Frequently Asked Questions on Economic, Social and Cultural Rights, December 2008.

security, an adequate standard of living, to health and to take part in cultural life. Various other binding universal and regional human rights instruments also provide for the promotion and protection of economic, social and cultural rights.[6]

5. The work of truth commissions can provide an insight into the relationship between violations of economic, social and cultural rights and conflict. Truth commissions are established as part of a post-conflict reconstruction plan to assist war-torn countries in their transition to peace, and reveal the underlying causes of conflict and political violence (an area of work commonly referred to as "transitional justice"). The mandate of a truth commission is usually of limited duration and focuses on the investigation of past human rights violations; truth commissions also often make recommendations for redressing the harm caused by these transgressions.

6. Approximately 35 truth commissions have been established around the world in recent decades, and the cumulative knowledge derived from their investigations offers a diagnosis of the underlying causes of conflict.[7] While most truth commissions focus on systematic violations of civil and political rights, they tend to include an analysis of the historical context and the deeper causes of these violations.

7. Most truth commissions find that the majority of victims of civil and political rights violations belong to marginalized populations that have suffered from socioeconomic inequalities long before the outbreak of violence. In their efforts to re-establish justice and to rebuild the social fabric after a conflict, truth commissions, such as the Commission for Reception, Truth and Reconciliation in Timor-Leste and the Truth and Reconciliation Commission in Sierra Leone, often conclude that the root causes of conflict are violations of economic, social and cultural rights.[8] The Commission in Timor-Leste identified violations of the right to an adequate standard of living, and the rights to health and education as root causes. It considered that Indonesia, as the occupying Power, discriminated against the Timorese and failed "to provide for certain basic needs, such as food, shelter, essential medicines and basic education".[9] The Commission in Sierra Leone found that the conflict had erupted because of the "endemic greed, corruption and nepotism that deprived the nation of its dignity and reduced most people to a state of poverty", thereby violating their economic, social and cultural rights.[10] A review of social science literature on violence and conflict confirms that social unrest usually originates from long-standing inequalities, marginalization, unemployment, discrimination and a lack of remedies.[11]

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[6] These instruments include the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities.

[7] Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (New York, Routledge, 2011).

[8] OHCHR, *Transitional Justice and Economic, Social and Cultural Rights* (Geneva and New York, 2014), p. 17.

[9] "Chega! The Report of the Commission for Reception, Truth and Reconciliation in Timor-Leste" (CAVR, 2005), chap. 7.9, para. 7.

[10] "Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission", vol. 2, chap. 2, para. 13.

[11] See Steven C. Poe, Nicolas Rost and Sabine C. Carey, "Assessing Risk and Opportunity in Conflict Studies: A Human Rights Analysis", *Journal of Conflict Resolution*, vol. 50, No. 4 (August 2006), pp. 484-507; Oskar N.T. Thoms and James Ron, "Do Human Rights Violations Cause Internal Conflict?", *Human Rights Quarterly*, vol. 29, 2007, pp. 674-705; and Paul Collier, "Economic Causes of Civil Conflict and their Implications for Policy", World Bank, 15 June 2000.

A. Food crisis

8. In the periods 2007/08 and 2011/12, violent riots broke out in protest at rising food prices and costs of living in, inter alia, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Egypt, Ethiopia, Guinea, India, Kenya, Madagascar, Mauritania, Morocco, Mozambique, Senegal, Somalia, Tunisia and Zimbabwe.[12]

9. Research also confirms that food crises trigger conflict and social unrest.[13] Several scholars have identified a specific food price threshold above which protests become likely, highlighting that the timing of riots in 2008 and violent protests in North Africa and the Middle East in 2011 coincided with peaks in global food prices.[14]

10. Tensions among populations or communities competing for control of natural resources required for food production, such as land, water and seeds, can lead to conflict. Social, political and economic inequalities in access to food can also heighten existing grievances and build momentum towards conflict; for example, various authors have found that, among the root causes of the civil war in the Syrian Arab Republic, tensions caused by four successive droughts in the predominantly Kurdish north-eastern region of the country forced 2 million small-scale farmers to migrate into the urban areas of Aleppo and Damascus.[15]

11. Similarly, the Special Rapporteur on the right to food noted, during his mission to the Syrian Arab Republic, that the impact of successive droughts had been dramatic for both small-scale farmers and herders, who witnessed a vertiginous fall in their incomes. Many families had been forced to reduce food intake, surviving mainly on bread and sugared tea, and to sell productive assets, which further reduced their ability to restore their livelihoods in the future. As education had become unaffordable and extra labour necessary to generate revenue, children were removed from schools. Some had resorted to seasonal work, for instance as waged farm workers on cotton fields or in the textile industry in the Damascus area, while others had migrated more permanently to the western part of the country in the hope of finding employment, despite generally low levels of qualifications and without any kind of assistance (A/HRC/16/49/Add.2, para. 13). The absence of measures to counter the devastating effects of the droughts in terms of access to food for all groups had created the conditions which, combined with other factors, triggered the civil war.

12. In its findings, the commission of inquiry on the Democratic People's Republic of Korea expressed concern that structural issues, including laws and policies that violated the right to adequate food and freedom from hunger, remained in place, which could lead to the recurrence of mass starvation in the country (A/HRC/25/63, para. 55).

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[12] Hossain, N. et al, "Them Belly Full (But We Hungry): Food Rights Struggles in Bangladesh, India, Kenya and Mozambique", synthesis report from DFID-ESRC research project "Food Riots and Food Rights", Institute of Development Studies, Brighton, 2014.

[13] See Julia Berazneva and David R. Lee, "Explaining the African food riots of 2007-2008: An empirical analysis", *Food Policy*, vol. 39, April 2013, pp. 28-39; Henk-Jan Brinkman and Cullen S. Hendrix, "Food Insecurity and Violent Conflict: Causes, Consequences, and Addressing the Challenges", Occasional Paper No. 24, World Food Programme, July 2011; Hendrix, C.S and Brinkman, H-J, "Food insecurity and conflict dynamics: causal linkages and complex feedbacks", High-Level Expert Forum, Rome, 13-14 September 2012; and Mark Notaras, "Food Insecurity and the Conflict Trap", Our World, 31 August 2011.

[14] Marco Lagi, Karla Z. Bertand and Yaneer Bar-Yam, "The Food Crises and Political Instability in North Africa and the Middle East", New England Complex Systems Institute, 28 September 2011.

[15] Peter H. Gleick, "Water, Drought, Climate Change, and Conflict in Syria", July 2014; and Sarah Johnstone and Jeffrey Mazo, "Global Warming and the Arab Spring", *Survival: Global Politics and Strategy*, vol. 53, No. 2 (April-May 2011).

B. Youth unemployment

13. Worldwide, the enduring effects of the financial and economic crises have led to a steep rise in youth unemployment (see E/2013/82). Some 67 million jobs have been lost since the economic crisis of 2007, leading to rising levels of hunger and homelessness, discontinuities in access to adequate health care and education, greater income inequality, and significant cuts in social protection. The crisis has been a major setback for the enjoyment of economic and social rights.[16]

14. Globally, there are 1.8 billion young people between the ages of 10 and 24, most of whom in developing countries.[17] Numerous studies link youth unemployment with social unrest and, in certain cases, extremism.[18] ILO, for instance, has confirmed the clear connection between unemployment and social unrest. After several turbulent years in the aftermath of the crisis of 2007, dissatisfaction with the economic and social situation was expressed less and less in many regions; as the economic situation began to deteriorate again in 2013, particularly in developing economies, however, social unrest began to spread once again. By contrast, the signs of recovery in developed economies has gone hand-in-hand with improving social stability, while emerging economies have shown little change. Unemployment among young males, which remains high in developed economies, is often a key driver behind political and social movements.[19]

15. In Africa, 70 per cent of the population is younger than 30, while slightly more than 20 per cent are between the ages of 15 and 24. Youth unemployment is compounded by its sheer extent, which is considerably greater than in other regions. Weak national labour markets and persistently high levels of poverty has exacerbated the problem.[20]

16. A human rights response to youth unemployment that provides for accountability in the public and private sector, social investment, improved job training and job creation policies, and sound social protection systems is likely to reduce significantly the risk of social unrest and violence.

C. Health crisis

17. As at March 2016, 28,603 confirmed, probable and suspected cases of Ebola virus disease have been reported in Guinea, Liberia and Sierra Leone; at least 11,301 deaths have been reported since the outbreak of Ebola in March 2014. Reports of civil unrest following heavy-handed measures by national authorities were received from Guinea. The Ebola outbreak showed, above all, that a failure to respect human rights in implementing public

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[16] International Labour Organization (ILO), *Global Employment Trends 2016*, Geneva 2016. According to ILO, in 2015 the number of unemployed people reached 197.1 million, almost 1 million more than in the previous year and more than 27 million higher than pre-crisis levels. The surge in the number of jobseekers in 2015 mainly affected emerging and developing countries.

[17] United Nations Population Fund (UNFPA), *The Power of 1.8 Billion: Adolescents, Youth and the Transformation of the Future*, 2014 State of the World Population Report.

[18] See for example Paul Collier and Anke Hoeffler, "Greed and Grievance in African Civil Wars", *Oxford Economic Papers* 56 (2004), pp. 563-595; Jacopo Ponticelli and Hans-Joachim Voth, "Austerity And Anarchy: Budget Cuts And Social Unrest In Europe, 1919-2009", December 2011; and Horace Campbell, "Boko Haram: 'Economic Fundamentalism' and Impoverishment Send Unemployed Youths into Religious Militias", Global Research, 4 June 2014.

[19] ILO, *Global Employment Trends 2016* (see footnote 16), p. 22.

[20] See Therese F. Azeng and Thierry U. Yogo, *Youth Unemployment and Political Instability in Selected Developing Countries*, African Development Bank Group, Working Paper No. 171, May 2013; and Kingsley Ighobor, "Africa's youth: a 'ticking time bomb' or an opportunity?", Africa Renewal, May 2013.

health responses can lead to social upheaval which, if not rapidly addressed, may rapidly degenerate. Besides exposing the weaknesses in the health systems of the affected countries, both the evolution of the outbreak and the public health responses to Ebola demonstrated the need to protect fully the human rights of patients, vulnerable populations, affected communities, health-care workers and emergency responders.[21]

18. In the context of health crises involving epidemics, and with a view to avoiding social unrest or disturbances, accurate and comprehensive information available to the public is essential, including as a confidence-building measure, particularly where mistrust in health-care workers and authorities is pervasive. Information on prevention, early diagnosis and treatment, and the status of efforts to address the outbreak should be a priority. Restrictions on freedom of movement as part of the response to Ebola included a nationwide curfew and a lockdown in Liberia. At the height of the epidemic, reports from Sierra Leone indicated that some individuals held in quarantine were not receiving food, water or health care. In Liberia, excessive use of force, including lethal force, was alleged as a result of the involvement of the military in enforcing quarantine zones.

D. Water crisis

19. Water-related disputes can lead to social unrest and violent protest. For instance, in December 2007, in the State of Orissa, in India, 30,000 farmers clashed with the police because the Government had decided to allow a large number of industries to draw water from the Hirakud dam, depriving the farmers of their source of irrigation.[22] Fifty protesters were injured in the confrontation with police.

20. Social unrest can also be provoked by poor or inequitable management of water services. Disputes may arise over water connections for suburban or rural areas, service liability and, in particular, prices. Given that the State is responsible for providing drinking water, in many countries, disputes over water supply management often arise between communities and State authorities. Protests are particularly likely when the general public suspects that water services are being managed in a corrupt manner or that public resources are being diverted for private gain.

21. Problems arising from water supply management can lead to violent conflict, as witnessed during the confrontations that erupted in 2000 in Cochabamba, the third-largest city in the Plurinational State of Bolivia, following the privatization of the city's water utility. Cochabamba had long suffered from water scarcity and the irregular provision of water services. With the aim of securing improved services and higher connection rates, the Government signed a 40-year concession contract in September 1999 with the international private water consortium, Aguas del Tunari. By January 2000, drinking water tariffs had increased sharply and some households had to devote a significant share of their monthly income to paying for water services. Consumers, feeling that they were simply paying more for the same poor-quality services, responded with strikes, roadblocks and other forms of civil protest that shut the city down for four days in February 2000.[23]

22. Farmers from surrounding municipalities joined the protest in Cochabamba, which then spread to other parts of the country. Months of civil unrest culminated in the decision of the Government to send the army into Cochabamba and to declare a state of emergency

[21] Alicia Ely Yamin, "Ebola, human rights, and poverty – making the links", Open Democracy, 23 October 2014.

[22] "30,000 farmers demand Hirakud dam water", India Environment Portal, 30 December 2007.

[23] Annika Kramer et al, "The key to managing conflict and cooperation over water", *A World of Science*, vol. 11, No. 1 (January-March 2013).

throughout the country. Several days of violence left more than 100 people injured and one person dead. The protests eased only after the Government agreed to revoke the consortium's concession and to return management of the utility to the municipal authorities.

E. Displacement and forced evictions

23. Forced evictions and displacement from homes and land are a major cause and consequence of violence, social unrest and conflict around the world.[24] When conflict ends, unresolved disputes over housing, land and property prevent durable solutions for returning populations and threaten peace and stability in the country.

24. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the number of people forcibly displaced at the end of 2014 had risen to 59.5 million, from 51.2 million in 2013.[25] It is not unusual for displaced persons to endure multiple forced displacements, including from camps or informal settlements. Tensions often arise between host communities and displaced persons, who may face discrimination, stigmatization and social exclusion.

25. Although forced evictions are often ordered in the name of development and infrastructure projects, to serve the "public good" or "public interest", protection or procedural guarantees and due process are often not provided for the most vulnerable; this is the case of many development and infrastructure projects, such as large dams or extractive industries, large-scale land acquisitions, urban renewal, city beautification or major international business or sporting events, such as the Olympic Games. The temporary or permanent removal of individuals, families and/or communities from their homes and/or land that they occupy against their will is often carried out without legal or other forms of protection.

26. According to the basic principles and guidelines on development-based evictions and displacement, forced evictions intensify inequality, social conflict, segregation and "ghettoization", and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.[26]

27. Discrimination is frequently a factor in forced evictions. Discrimination means any distinction, exclusion or restriction, made on the basis of various grounds, that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights. It is linked to the marginalization of specific population groups and is generally at the root of fundamental structural inequalities in society. Discrimination can exist in either the public or the private sphere, and rights may be violated through the direct or indirect action or omission by the State, including through its institutions.

28. Land can be a major source of conflict and disputes. Social unrest and conflict over land sometimes break out when the rights of indigenous peoples are not adequately protected or recognized. Indigenous peoples are entitled to all human rights, including those specifically applicable to them, such as rights that recognize the distinctive cultural relationship that indigenous peoples have with their traditional lands and the protection from displacement that they require. According to the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples enjoy special protections to ensure that

[24] See OHCHR, Forced Evictions, Fact Sheet No. 25/Rev.1, pp. 12-15.
[25] UNHCR, Internally Displaced People Figures.
[26] A/HRC/4/18, annex I, para. 7.

actions that result in dispossessing them of their lands are prevented or remedied. In this context, indigenous peoples cannot be forcibly removed from their lands without free, prior and informed consent and after having agreed on just and fair compensation.[27]

29. Where land grabbing and large-scale development projects without meaningful consultation or effective grievance mechanisms are allowed, States fail to comply with their human rights obligations and could contribute to future unrest and potential conflict.

III. Conflict prevention and early warning mechanisms

A. Human Rights Up Front initiative and the Inter-Agency Standing Committee

30. Early warning can be understood as the process of collecting and analysing information in relation to the causes of crisis for the purpose of identifying and recommending strategic options for preventive measures. Alerting the international community to emerging issues is a critical part of the prevention and management of violent conflicts, humanitarian crises, natural disasters and other situations of concern at the local, regional and global levels.

31. Some voices within the United Nations have played an early warning role. Already In 1994, the Special Rapporteur on extrajudicial, summary or arbitrary executions warned of the impending genocide in Rwanda (see E/CN.4/1994/7/Add.1).[28] In both the report of the independent inquiry into the actions of the United Nations during the 1994 genocide in Rwanda (see S/1999/1257, annex) and the report of the Secretary-General on the fall of Srebrenica (A/54/549), it was emphasized that the United Nations had failed to pay due attention to warning signs and to take appropriate steps in response. In 2012, the Internal Review Panel of the Secretary-General on United Nations Action in Sri Lanka highlighted in its report, yet again, that the response of the United Nations to the emerging crisis in Sri Lanka had been inadequate, as it had failed to act upon early warning signs.

32. The above-mentioned report on Sri Lanka, in particular, led to the creation, in 2013, of the plan of action for the Human Rights Up Front initiative, which was designed to strengthen the response of the United Nations to crisis situations at different levels. The initiative requires the United Nations system to be alert to deteriorating human rights situations, and calls for effective early warning channels and better coordination, including by generating political support for early warning and preventive action. At the country level, United Nations country teams are expected to undertake a periodic analysis of risk factors and to remain attentive to the risk of serious human rights violations. The risk analysis is supported by a human rights analysis conducted by OHCHR. If concerns are identified, a United Nations country strategy is developed to mitigate risks, while programming and advocacy activities are adapted accordingly.[29]

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[27] See general recommendation No. 23 of the Committee on the Elimination of Racial Discrimination, and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.

[28] See Micah Zenko and Rebecca R. Friedman, "UN Early Warning for Preventing Conflict", *International Peacekeeping*, vol. 18, No. 1 (February 2011), pp. 21-37; and Security Council Report, "Human Rights and the Security Council – An Evolving Role", 25 January 2016.

[29] For example, the commission of inquiry on the Democratic People's Republic of Korea called upon the United Nations to adopt and immediately apply a common Human Rights Up Front strategy to ensure that all engagement with the Democratic People's Republic of Korea effectively took into

33. Prevention is the fundamental premise of the Human Rights Up Front initiative, which has the objective of changing the way the United Nations responds to its protection responsibilities under the Charter of the United nations, promoting more cohesive, cross-cutting and horizontal action in an effort to engage collaboratively with regard to the three pillars of United Nations action: peace and security, development, and human rights.

34. During the interactive dialogue with the General Assembly on the Human Rights Up Front initiative at Headquarters in January 2016, the Deputy Secretary-General explained how the initiative aimed to recognize how violations of economic, social and cultural rights were at the root of crises and conflict, adding that violations of the rights to property, education and employment had often marginalized entire communities, leading to failed development, social and political crises and even to conflict.

35. Other early warning mechanisms include those deployed in the humanitarian sphere through the Inter-Agency Standing Committee. Every six months, the Committee issues an early warning report, prepared by a group of United Nations analysts, of which OHCHR is an active member, in which it examines the upcoming six-month period to ensure readiness to respond. The process brings together information from across the United Nations humanitarian system and from international non-governmental organizations, and shares individual analysis and methodologies to address situations of serious concern. In turn, it informs decisions on where resources and attention should be focused. In this way, the Committee seeks to deliver a detailed but concise assessment of potential situations of concern and the readiness of the United Nations to respond accordingly, including by means of updated contingency plans and relevant advanced preparedness action.

B. Office of the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect

36. The Special Adviser on the Prevention of Genocide, appointed for the first time by the Secretary-General in 2004 (see S/2004/567), has a mandate to raise awareness of the causes and dynamics of genocide, to alert relevant actors where there is a risk of genocide, and to advocate and mobilize for appropriate action.

37. The Special Adviser on the Responsibility to Protect, appointed for the first time in 2007 by the Secretary-General (see S/2007/721), plays the lead role in the conceptual, political, institutional and operational development of the responsibility to protect.

38. The mandates of the two special advisers are distinct but complementary. Their efforts include alerting relevant actors to the risk of genocide, war crimes, ethnic cleansing and crimes against humanity. They have the role of strengthening the capacity of the United Nations to prevent these crimes, including their incitement, and to work with Member States, regional and subregional mechanisms, and civil society bodies to develop more effective responses to situations when they arise.

39. The Office of the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect gathers information from a variety of sources. The mandate given by the Secretary-General focuses on the collection existing information, in particular from within the United Nations system. The Office has also developed a network of external sources of information. All sources are reviewed on a daily basis by the Information Manager Officer, then distributed to geographical focal points, who also search actively for relevant information on situations of concern. The methodology assumes that

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account and addressed human rights concerns, and to prevent the recurrence or continuation of crimes against humanity (A/HRC/25/63, para. 94 (g)).

atrocity crimes are not isolated or random events but rather complex processes that involve time, planning, resources and support, and a suitable environment. In this way, throughout the process it is possible to identify early warning signs or indicators that can trigger preventive action by States and the international community.

40. The Office collects information on situations at risk of deterioration into genocide, war crimes, ethnic cleansing and crimes against humanity on the basis of factors outlined in the *Framework of Analysis for Atrocity Crimes*.[30] Owing to the sensitive nature of the mandate, much of the Office's work remains unseen by the general public. When the special advisers deem, however, that making their concerns public might reduce the risk of atrocity crimes from being committed in a specific situation, they may take the extraordinary step of issuing public statements and, upon request, brief the Security Council.

41. On the basis of the Framework, the information-gathering system assesses a variety of factors; some are related to the risk of armed conflict, others to situations that place a State under stress and create an environment conducive for the commission of atrocities. Others pertain to the state of respect and compliance with human rights obligations, including economic, social and cultural rights; to the strengths and weaknesses of key State institutions; to gaps in societal resilience or sources of mitigation; and to possible triggers of violence.

C. Special procedures

42. The special procedures of the Human Rights Council, which include special rapporteurs, special representatives of the secretary-general, independent experts and working groups, monitor and report publicly on thematic issues or human rights situations in specific countries. When mandate holders become aware of a situation that could lead to an escalation of human rights violations, violence, social unrest and conflict, they can draw attention to the situation by means of regular reports, submitted to the Human Rights Council and the General Assembly, urgent appeals and letters of allegation.

43. Special procedure mechanisms can raise concerns about allegations of violations of human rights covered by their mandates directly with Governments by means of urgent appeals and other communications. Interventions can relate to human rights violations that have already been committed, are ongoing or that could be committed. The process involves addressing a letter to the State concerned that describes the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate holder, and a request for follow-up action. Communications may pertain to individual cases, general patterns of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards. In some cases, communications are also sent to intergovernmental organizations or non-State actors.

44. A number of examples demonstrate the actual or potential role that the special procedures play in early warning processes. In 2010, the Special Rapporteur on the right to food identified food insecurity in the Syrian Arab Republic as a possible trigger of conflict (see para. 11 above). The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context warned against the exclusionary and inequitable land tenure system in Indonesia (A/HRC/25/54/Add.1, para. 55). In particular, the mandate holder highlighted how the

[30] *Framework of Analysis for Atrocity Crimes: a tool for prevention*, United Nations, 2014.

conversion of land use had had a significant impact on the land rights of forest-dependent communities; for example, palm oil production was as a main factor in changes to forest land use. Lack of consultation, failure to respond to complaints and an ineffective judiciary had led to public demonstrations and the blocking of roads in protest at the acquisition of the land.[31]

45. In 2013, the Special Rapporteur on the rights of indigenous peoples urged the authorities of Honduras to protect indigenous human rights defenders from reprisals (see A/HRC/27/52/Add.4). In particular, he referred to the need to protect Berta Cáceres, who opposed the Aqua Zarca dam project on the Gualcarque River, which is sacred to the indigenous Lenca people. After years of threats, Ms. Cáceres was killed in March 2016.

46. Effective channels of communication and institutionalized cooperation for preventive action should be enhanced to ensure that institutions and entities working on early warning in political, social, economic and other relevant areas, and notably in the peace and security field, take serious and systematic note of the information provided by the special procedures.[32]

IV. Risk factors and indicators

47. Acts of violence, social unrest and conflict may break out in countries with various levels of development, political and governance systems, and population demographics. No single universal model can predict with certainty where and when unrest and conflict will erupt in the absence of preventive measures. Nevertheless, some core elements regarding economic, social and cultural rights, often at the heart of social unrest and conflict, as outlined above, could effectively inform early warning analysis and preventive efforts.

48. The expert meetings on human rights and early warning, organized by OHCHR in 2015 and held in Geneva from 8 to 10 July and in Bangkok from 16 to 18 November, were seminal in identifying key risk factors for instability linked to human rights, in particular economic, social and cultural rights, although a comprehensive methodology on the integration of human rights into early warning analysis is yet to be developed. In the section below, a number of risk factors and indicators that could be taken into consideration are highlighted.

49. OHCHR has established a conceptual and methodological framework for developing human rights indicators.[33] It includes three types of indicators (structural, process and outcome)[34] used to assess tangible measures taken to redress inequalities and to ensure the

[31] See Marcus Colchester, *Palm oil and indigenous peoples in South East Asia*, International Land Coalition, January 2011, p. 12.

[32] See OHCHR, "Round Table on Special Procedures: Early Warning and Emerging Issues", summary, 23 October 2009.

[33] OHCHR, *Human Rights Indicators: A Guide to Measurement and Implementation*, United Nations, 2012.

[34] Structural indicators reflect the stated commitment of the State to the human rights issue through ratification of international treaties, adoption of laws and policies, or the establishment of relevant institutions or mechanisms; process indicators measure how such commitments are translated into practice, for example, through allocation of financial and human resources, ensuring the proper functioning of institutions, coverage of targeted population groups under public programmes, addressing complaints, and awareness-raising of targeted populations; while outcome indicators capture the results of the measures taken in terms of the realization of human right from the perspective of rights-holders, for example, in terms of health outcomes, educational achievements,

realization of human rights for the entire population. The framework uses different sources of data, and calls for human rights-based approaches in data collection and monitoring efforts.[35]

50. Certain risk factors are cross-cutting and could be considered in any situation, while others are specific to certain contexts. Cross-cutting risk factors include severe inequality, lack of access to effective grievance mechanisms, lack of meaningful consultation, lack of democratic space for an active civil society and lack of media independence. Thematic risk factors include unequal access to natural resources, in particular land, and degradation in social services and unemployment.

A. Cross-cutting risk factors

1. Severe inequality

51. Severe inequality, particularly horizontal inequality,[36] between different groups is considered a contributing factor to most modern-day conflicts. It can be multi-dimensional, with economic, political, social and cultural dimensions. Economic inequality between ethnic groups, for example, heightens the likelihood of internal conflict. Given that, from a human rights perspective, discrimination is a significant driver of inequality, clear indicators could be developed to evaluate the action of the State to redress it. In considering the existence of this risk factor, certain indicators could be particularly revealing, such as the proportion of people living below 50 per cent of median income, disaggregated on the basis of age, sex and disability, or the percentage of the population reporting within the past 12 months personal experience of discrimination or harassment prohibited under international human rights law (see E/CN.3/2016/2/Rev.1, annex III, target 16.b).

2. Lack of access to effective grievance mechanisms

52. Grievance mechanisms, whether judicial and non-judicial, are a key element of accountability, providing redress to victims and holding those responsible to account. Access to justice is crucial in enabling persons to break the cycles of discrimination and marginalization. Justice delivery involves the ability of the State to ensure the peaceful resolution of disputes, the prosecution and punishment of crimes, and effective remedies for violations of rights. The independence of the judicial system, alongside its impartiality and integrity, is a prerequisite for upholding the rule of law and ensuring that there is no discrimination in the administration of justice. Barriers to justice mechanisms are still widespread, especially for women, children, minorities, migrants, persons with disabilities, older persons, the poor and marginalized groups.[37] In such cases, in order to assess the existence of a risk factor, a process indicator that considers the proportion of complaints,

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reported cases of torture and miscarriage of justice, or redress provided to victims of human rights abuses.

[35] See OHCHR, "A Human Rights-Based Approach to Data", Guidance Note to Data Collection and Disaggregation, February 2016.

[36] See Frances Stewart, Graham Brown and Luca Mancini, "Monitoring and measuring horizontal inequalities", Centre for Research on Inequality, Human Security and Ethnicity Overview, No. 4, June 2010; Christopher Cramer, "Does inequality cause conflict?", *Journal of International Development*, vol. 15, No. 4, 2003, pp. 397-412; and Stewart et al, "Why Horizontal Inequalities Matter: Some Implications for Measurement", Centre for Research on Inequality, Human Security and Ethnicity Overview, Working Paper No. 19, June 2005.

[37] See OHCHR, *Opening the Door to Equality: Access to Justice for Dalit Communities*, December 2011.

disaggregated by group, could give a very detailed description of those with limited, negligible or no access to redress mechanisms.

3. Lack of meaningful consultation

53. The lack of effective and meaningful consultation of persons in decision-making and the failure to respect the right to free, prior and informed consent of indigenous peoples could create conditions for an escalation of human rights violations, violence and social unrest. To assess this risk factor, a process indicator could reveal the number of public consultations held on specific policies or projects and the number of agreements reached with the community on specific projects. Public consultations for indigenous peoples should respect the standards of the United Nations Declaration on the Rights of Indigenous Peoples: consultation through representatives chosen by themselves in accordance with their own procedures (art. 18); and through their own representatives institutions in order to obtain their free prior and informed consent (art. 19).

4. Shrinking democratic space for civil society

54. An active and functioning civil society is the foundation for ensuring the accountability of the Government and its laws and policies. Civil society can help to assess whether commitments have been fulfilled, and whether the human rights obligations of a State have been fully met. The criminalization of the activity of human rights defenders could well prepare the ground for violence against them and social unrest. A useful indicator for such a risk factor would be the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months (see E/CN.3/2016/2/Rev.1, annex III, target 16.10.1).

5. Freedom of the media

55. Freedom of speech for the media is a key factor in ensuring government accountability and in making the views and situations of marginalized populations visible. The media can also play a powerful role in stigmatizing a particular group. In some countries, for instance, indigenous communities have been accused of opposing progress when they protest against development projects. In others, those receiving social security, including persons with disabilities, have been stigmatized by both the media and politicians, resulting in attacks against them. Useful indicators in such cases could be the ranking of the country in the World Press Freedom Index or the adoption of constitutional, statutory and/or policy guarantees for public access to information (see E/CN.3/2016/2/Rev.1, annex III, target 16.10.2).

B. Thematic risk factors

1. Unequal access to natural resources

56. Issues relating to access to land and natural resources can be at the core of violence and conflict, especially in regions where people depend on land as a source of livelihood and food. Unequal access, control and ownership over land and natural resources, and failure to distribute fairly the benefits deriving from investment or development projects, have in many situations led to violence, social unrest and conflict. Growing inequality can be further exacerbated by a lack of adequate compensation, decent work opportunities or adequate alternatives for resettlement for those affected or dispossessed of land. The militarization or securitization of business operations, including more frequent recourse to the employment of security guards, creates conditions that could lead to confrontations with

the local community. Revealing indicators could be the number and quality of independent environmental and social impact assessments of business activities, especially those requiring land and water, and the effective participation of persons affected by land reform policies and programmes. Outcome indicators could include the proportion of urban population living in slums, informal settlements or inadequate housing (E/CN.3/2016/2/Rev.1, annex III, target 11.1); the number of subsistence farmers; and the proportion of land being used by the extractive industry.

2. Degradation in social services and unemployment

57. The lack of or degradation in social services, including in the event of austerity measures, and the effects of privatization on the availability and accessibility of essential services have in some countries contributed to violence and instability, as outlined above. The establishment of a social protection floor could help to prevent unrest and violence. Certain structural indicators could in this regard evaluate the adoption of relevant legislation to guarantee the rights to social security, health and education; process indicators could reveal the proportion of the budget allocated to health, education and social security; while outcome indicators could provide information on the coverage of social security and the number of persons entitled to benefits compared to those in need. Outcome indicators could also comprise unemployment rates, including long-term (a year or more of unemployment), in particular of young men, in the targeted population group and education level.

C. Challenges to effective early warning analysis

58. At the expert meetings held in Geneva and Bangkok (see para. 48 above), participants highlighted one challenge pertaining to early warning analysis, namely, timing and, in particular, the definition of and actual time denoted by "early". This challenge is especially pertinent, given the circular nature of many conflicts and the number of ongoing protracted crises. The Office of the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect begins its examination of situations as soon as potential concerns emerge. In its *Framework of Analysis for Atrocity Crimes*, the Office emphasizes that "the earlier the risk factors are identified, the greater the opportunities for early prevention".

59. Sharing information and managing data are also crucial in early warning efforts. While United Nations agencies and other organizations share data, no common information management system currently exists. A number of factors complicate the development of such a common system, including the lack of a uniform methodology in extracting the necessary data, the varying degree of credibility of sources and the related protection risks. In this regard, under the Human Rights Up Front initiative, OHCHR has been tasked to lead an inter-agency effort to promote regular, common analysis of information at the field level, and to ensure that this information is transmitted rapidly to decision-makers.

60. The complexity, interdependence and interaction of different elements explain why some situations result in an escalation of human rights violations, violent unrest and/or conflict while others do not. An early warning analysis would take this complexity into consideration and factor in a margin of error, as in all forecasts.

V. Conclusions

61. **The examples given in the present report, on rights relating to food and health, water crises, displacement and forced evictions, illustrate how violations of economic,**

social and cultural rights are often the root cause of violence, social unrest and conflict. The analysis of economic, social and cultural rights should therefore be at the forefront of any national or international early warning effort.

62. **In an early warning analysis, special attention should be paid to such risk factors as severe inequality, lack of access to effective grievance mechanisms, lack of meaningful consultation, lack of democratic space for an active civil society, lack of independence of the media, unequal access to natural resources, in particular land, degradation in social services and rising unemployment.**

63. **United Nations preventive action would benefit from a system-wide early warning mechanism that would build on the Human Rights Up Front initiative, drawing from existing sources of information, including the special procedures. A methodological framework for early warning analysis should include human rights indicators based on the OHCHR framework, emphasizing economic, social and cultural rights, to help to predict an escalation of human rights violations, violence, social unrest and conflict.**